

44

00-*R*-0170

Entered - 12/06/99 - sb
CL99L0802 - DIANNE C. MITCHELL

CLAIM OF: TORRANCE B. ASHMON,
through his attorney,
Darrell L. Burrow
P. O. Box 640067
Atlanta, Georgia 30364

For damages alleged to have been sustained as a
result of a vehicular accident on August 4, 1999
at Hamilton E. Holmes Drive and Simpson Road.

ADVERSED BY
CITY COUNCIL FEB 21 2000

THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSE REPORT

Public Safety

2/15/2000
City of Atlanta

Henry Jones
Mayor

[Signature]
[Signature]

Danny Hester

CERTIFIED
FEB 21 2000
John M. Evans
COUNCIL PRESIDENT PROTEM

CERTIFIED
FEB 21 2000
Paula Duvall
MUNICIPAL CLERK



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

February 28, 2000

Darrell L. Burrow
Attorney at Law
P.O. Box 640067
Atlanta, GA 30364

00-R-0170

RE: Torrance B. Ashmon

Dear Attorney Burrow:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on February 21, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0802

Date: February 1, 2000

Claimant /Victim Torrance B. Ashmon
BY: (Atty) Darrell L. Burrow
Address: P. O. Box 640067, Atlanta, Georgia 30364
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 12/02/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 08/04/99 Place: Hamilton E. Holmes Drive and Simpson Road
Department Police Bureau: Division
Employee involved Torrance B. Ashmon Disciplinary Action:

NATURE OF CLAIM: The claimant, a City of Atlanta police officer, alleges while he was on duty that he was injured in a vehicular accident with a privately owned vehicle. The claimant's attorney has presented the officer's claim as an ante litem notice claim, but this claim should have been directed to the Worker's Compensation Division in the Department of Finance. The claimant's attorney has been notified of the above and the claim has been forwarded to the Worker's Compensation Division.

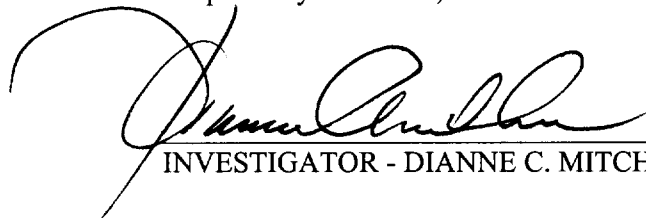
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures X Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Darrell L. Burrow Concur/date 02-01-00
Committee Action: Council Action

DARRELL L. BURROW, P.C.

ATTORNEY AT LAW

4812 - A OLD NATIONAL HIGHWAY
COLLEGE PARK, GEORGIA 30337

TELEPHONE: (404) 559-1121
FACSIMILE: (404) 559-1118

ENTERED - 12-6-99 - SB
99L0802 - DIANNE MITCHELL
November 24, 1999

Mitchell
12/02/99
D

MAILING ADDRESS:
P. O. BOX 640067
ATLANTA, GEORGIA 30364

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Z 366 639 597

Dianne C. Mitchell
Department of Law
68 Mitchell Street, S.W.
Suite 4100
Atlanta, GA 30335

ANTE LITEM NOTICE UNDER O.C.G.A. 36-33-5

RE: My Client: Torrance B. Ashmon
Department: City of Atlanta Police Department
Date of Injury: 08/04/99

NOTICE IS HEREBY GIVEN, pursuant to O.C.G.A. 36-33-5, that Torrance B. Ashmon intends to pursue a claim with the City of Atlanta; and, as required by law, you are notified as follows:

1. That on August 4, 1999, at approximately 9:00 a.m., Torrance B. Ashmon was riding a motorcycle owned by the City of Atlanta.
2. Mr. Ashmon was proceeding northbound on Hamilton E. Holmes Drive and was approaching the intersection of Simpson Road in the City of Atlanta, Fulton County.
3. A third party, one Charles Rogers Clark, failed to stop for the red light as he was heading eastbound on Simpson Road approaching the intersection of Hamilton E. Holmes Drive.
4. The motorcycle driven by Torrance B. Ashmon collided with the vehicle driven by Charles Rogers Clark.
5. Torrance B. Ashmon was injured as a uniformed officer at the time of the incident and was on a motorcycle owned by the City of Atlanta.

6. Torrance B. Ashmon was seriously injured and as of the date of this notice has not returned to work in any capacity for the City of Atlanta Police Department.
7. Torrance B. Ashmon notices that he is entitled to worker's compensation benefits and he intends to pursue a claim of worker's compensation with the City of Atlanta.

Pursuant to O.C.G.A. 36-33-5, you are notified that Torrance B. Ashmon will be presenting a claim and demand payment in an amount that is not yet determined for all of his injuries, damages and losses.

A supplemental notice will be mailed to you once a value has been assigned to his claim.

SO NOTICED, this 24th day of November, 1999.



Darrell L. Burrow

Attorney for Claimant, Torrance B. Ashmon

RCS# 1771
2/21/00
2:37 PM

Atlanta City Council

Regular Session

CONSENT AGENDA PAGES (1 - 9)

ADOPT

YEAS:	15	SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA
NAYS:	0	
ABSTENTIONS:	0	
NOT VOTING:	1	
EXCUSED:	0	
ABSENT	0	

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEMS REMOVED FROM
CONSENT AGENDA

00-O-0122
00-O-0123
00-R-0202
00-R-0020

00-O-0212 - Councilmember
Boazman Abstained

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 99-O-2072
2. 99-O-2073
3. 00-O-0127
4. 00-O-0124
5. 00-O-0126
6. 00-O-0066
7. 00-O-0125
8. 00-O-0211
9. 00-O-0212 *
10. 00-O-0213
11. 00-O-0207
12. 00-R-0220
13. 00-R-0196
14. 00-R-0209
15. 00-R-0180
16. 00-R-0176
17. 00-R-0174
18. 00-R-0145
19. 00-R-0146
20. 00-R-0147
21. 00-R-0148
22. 00-R-0149
23. 00-R-0150
24. 00-R-0151
25. 00-R-0152
26. 00-R-0153
27. 00-R-0154
28. 00-R-0155
29. 00-R-0156
30. 00-R-0157
31. 00-R-0158
32. 00-R-0159
33. 00-R-0160

**02/21/00 Council Meeting
ITEMS ADVERSED ON
CONSENT AGENDA**

34. 00-R-0161
35. 00-R-0162
36. 00-R-0163
37. 00-R-0164
38. 00-R-0165
39. 00-R-0166
40. 00-R-0167
41. 00-R-0168
42. 00-R-0169
43. 00-R-0170
44. 00-R-0171
45. 00-R-0172
46. 00-R-0173
47. 00-R-0175

* Councilmember Boazman
abstained from voting on item 00-
O-0212.